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THE LAW OF LANDLORD AND TENANT. By Herbert Thorndike Tiffany. In two volumes. St. Paul. The Keefe-Davidson Co. 1910. pp. xxiv, 1255; xxiii, 1257-2343.

This treatise stands out as a distinct addition to our common-law literature, covering as it does an important subject both exhaustively and with discrimination.

The great length of the work is not, as has too often been the case with our manuals of law, indicative of information undigested and therefore prolonged and confused in the imparting. The wealth of material at the author's disposal has evidently been thoroughly considered; and the results worked in upon a framework resulting from thorough analysis of the subject. The book is admirably adapted to the needs of the practicing lawyer, for the author has neither hesitated to express his own views nor failed to pay due respect to that law which owes its existence to the decisions of courts.

A minute examination of the author's treatment of a few questions shows an inconsistency between his statement on page 866 that a grantee of the fee takes subject to a lease not within the recording laws though he be a purchaser for value and without notice of the lease, and his statement on page 1274 that of two successive lessees the second, being without notice of the first, would take priority, — an inconsistency made more striking by the fact that the author, for authority for his second statement, refers to the citations noted for the first. The explanation of the inaccuracy of the latter statement is probably due to an unindicated assumption that the leases were subject to a recording act.

The subject of the respective rights of a transferee of future rent and a subsequent purchaser of the reversion is fully presented. The correct solution of the problem would seem to lie in recognition of the fact that rent is an interest in land and as such subject to the recording act, so that while a recorded transfer of rent or a transfer not within the recording act would take priority in all cases, a transfer which was within the recording act and not recorded would take priority over only such subsequent purchasers for value of the reversion as were chargeable with notice. This principle, which, of course, applies only to legal transfers of the rent as distinguished from equitable, is apparently recognized and, on p. 1112, endorsed by the author. Nevertheless in expressing his conclusions on the matter, on p. 1115, he seems to overlook or reject it, saying that the most equitable adjustment may be had "by applying the ordinary rules determining priorities as between *bonâ fide* purchasers."

The arrangement of the volumes is very good. Each begins with long chapter analyses, very full, arranged with headings, sub-headings, and so on. Each main heading of the several chapters is made a section of the book, with the result that the sections are very long, especially those covering the more important points. This is of some importance in affecting ease of reference, especially as the index is poor, but the chapter analyses are so full that little difficulty is experienced on this point.

The book is recommended as one that will be of great value in practice, in finding the authorities and in aiding in analysis.

A. R. G.

A TREATISE ON THE DE FACTO DOCTRINE IN ITS RELATION TO PUBLIC OFFICERS AND PUBLIC CORPORATIONS. By Albert Constantineau, B.A., D.C.L., Judge of Prescott and Russell, Ont. Rochester, N. Y.: The Lawyers' Co-operative Publishing Company. 1910. pp. xciii, 750.

Unless the title of this book is somewhat carefully scrutinized, its subject will seem to be larger than it really is. It is not a treatise on the *de facto* doc-

trine generally, but merely upon public offices and officers *de facto*, with such attention to *de facto* public corporations as is necessary in dealing with the office *de facto*. Although it bears the sub-title of "Extraordinary Legal Remedies," its treatment of that subject is confined to a brief discussion of the remedies employed in testing the rights and title of the officer *de facto*. Out of this rather narrow subject, by means of extensive statements of, and quotations from, the cases, aided by the use of a rather small page liberally spaced, a considerable volume has been produced.

The author is a Canadian judge, who, while he purports to write for any jurisdiction using the English common law, finds his material almost wholly in the United States. This he explains by the fact that the question has been but little developed in Canada and England, while it has been a prolific subject of litigation in the United States for a hundred years. The author's investigation of the American cases seems to have been thorough and exhaustive, though few are cited later than the official reports. Parallel references are given to all of the leading collateral reports. The author justifies his full statement of the cases, and his liberal quotations from them, upon the ground that most of the lawyers for whom he writes do not have access to large libraries.

The author has made an intelligent and well analyzed use of his materials. He displays a strong grasp of the subject; conflicting views are carefully stated, and the author's own conclusions are set forth in such a way that, if they do not always carry conviction, they cannot fail to command respect. The net result, as the reviewer is pleased to be able to say, is a good and useful book upon a subject of difficulty and importance.

F. R. M.

LAW OFFICE AND COURT PROCEDURE. By Gleason L. Archer. Boston: Little, Brown & Company. 1910. pp. xv, 311.

The author of this book considers it "one of the gravest reproaches of American Law Schools that their graduates know nothing of how to practice law upon admission to the bar," and the object of this volume is to give the victim of our present system of legal education an insight into the customs of law offices and courts. The plan of the book is to trace the ordinary lower court case through the various steps from the time the client enters the office until the case is appealed to the highest court. Advice is given as to the customs of lawyers, each step is illustrated with concrete examples, and there is a very full set of forms.

For the lawyer who has practiced six months, the book contains little of value. As a manual of practice it is inadequate, for it contains nothing that is not more fully and more usefully presented in the standard books of practice. The sections which give advice as to the customs of law offices and lawyers are brief and commonplace, and it is a pity that the author did not leave the rules of practice for the already existing manuals and expand more upon this interesting field which has never been systematically written up. Most beginners have more difficulty in knowing what and how to charge a client than in learning the rules of procedure. A disproportionally large part of the book is taken up with examples of direct and cross examination. The examples lack value for the young practitioner, because they are mostly taken from sensational criminal trials, and they fail to hold the attention of a reader who has ever enjoyed Mr. Wellman's books.

All young lawyers, however, would do well to peruse this book between graduation from law school and the beginning of practice. It will save much needless worry about the unknown field of practice and will enable the beginner to take up his first small tort or collection case with greater confidence.

H. M. H.